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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12  
13 UNITED STATES OF AMERICA, ) CASE NO. 4:16-70812 MAG  
14 Plaintiff, )  
15 v. ) CORRECTED STIPULATION AND  
16 SERGIO MARTINEZ-MAGANA, ) [PROPOSED] ORDER TO CONTINUE  
17 Defendant. ) HEARING AND EXCLUDE TIME UNDER  
18 ) SPEEDY TRIAL ACT AND RULE 5.1 FROM  
19 ) AUGUST 23, 2016 TO SEPTEMBER 21, 2016  
20 \_\_\_\_\_)

21 STIPULATION

22 Defendant Sergio Martinez-Magana is charged by complaint in the above-referenced matter with  
23 conspiracy to distribute and to possess with the intent to distribute controlled substances. The  
24 government has recently produced the discovery in the matter and the parties have discussed a potential  
25 disposition of the case. The defendant hereby requests additional time before the preliminary hearing to  
26 allow defense counsel an opportunity to review the discovery and confer with his in-custody client and  
the government regarding the potential disposition.

27 The preliminary hearing in this matter is presently scheduled on August 23, 2016, and the parties  
28 hereby request that it be continued to September 21, 2016. The parties make this request to allow for

STIP. AND [PROPOSED] ORDER RESCHEDULING PRELIMINARY HRG. AND EXCLUDING TIME  
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1 reasonable time for the effective preparation of counsel. For all of the reasons stated, the parties believe  
2 that good cause exists to exclude and waive time under Federal Rule of Criminal Procedure 5.1(c) and  
3 (d) from August 23, 2016 through September 21, 2016, taking into account the public interest in the  
4 prompt disposition of a criminal case and the defendant's consent, and to exclude time under the Speedy  
5 Trial Act. 18 U.S.C. § 3161.

6 IT IS SO STIPULATED.

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8 DATED: August 18, 2016

Respectfully submitted,  
BRIAN J. STRETCH  
United States Attorney

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11 \_\_\_\_\_/s/  
12 LLOYD FARNHAM  
13 Assistant United States Attorney

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15 \_\_\_\_\_/s/  
16 ANTHONY LOWENSTEIN  
17 Counsel for Sergio MARTINEZ-MAGANA

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19 [PROPOSED] ORDER

20 For the reasons stated by the parties, the Court finds that the aforementioned request is supported  
21 by good cause and made with the consent of Defendants. Fed. R. Crim. Proc. 5.1(c) and (d). The Court  
22 therefore finds that an exclusion of time between August 23, 2016 through September 21, 2016, is  
23 merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and the Speedy Trial Act under  
24 18 U.S.C. § 3161 and moves the date of the preliminary hearing to September 21, 2016.

25

IT IS SO ORDERED.

26

DATED: August 22, 2016

27 \_\_\_\_\_  
28 HON. KANDIS A. WESTMORE  
United States Magistrate Judge

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